

**REMARKS**

This is a response to the Office Action mailed September 15, 2004. Claims 1-9 are pending in the application. Claims 1-9 have been rejected by the Examiner. As noted above, applicants have amended Claims 1, 3, 4, 7, 8, and 9. The amendments are fully supported by the written description.

**Claim Rejections 35 U.S.C. § 112**

The Examiner has rejected Claims 1-9 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

With respect to claim 1, the Examiner states that “the specification as originally filed does not teach or suggest such a general processing system.” Claim 1 recites the feature: “a pressure system to modify the coating substance applied to the stent supported by the support fixture.” The above-mentioned feature is taught by the specification as originally filed at least on page 7, lines 4-7 and on page 8, lines 11-13.

With respect to claim 3, the Examiner indicated that “as presently claimed, the pressure can be positive and the specification as originally filed suggests that a vacuum pressure can be applied.” Claim 3 recites the feature “the pressure system is a vacuum device to apply a vacuum pressure to the support fixture.” The above-mentioned feature is taught by the specification as originally filed at least on page 7, lines 4-7 and on page 8, lines 11-13.

Claim 7 recites the feature “the coupler allows the support fixture to be rotated with respect to the conduit.” The above-mentioned feature of claim 7 is supported by the specification as originally filed on page 7, lines 6-7.

The feature of claim 8, “the conduit is configured to be connected to a pressure system” and the feature of claim 9 “the pressure system is a vacuum device” are taught by the specification as originally filed at least on page 7, lines 4-7 and on page 8, lines 11-13.

Applicant respectfully requests removal of the § 112, first paragraph rejections of claims 1-9.

### **Double Patenting**

Claims 1-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 2, 4-11, 13, and 14 parent Application No.

10/254,203. Parent application issued as U.S. Patent No. 6,818,063 on November 16, 2004.

At this point neither the Examiner nor Applicants know the scope or content of the claims that will be found allowable from this application. Once that information is known, if the obviousness-type double patenting rejection is still appropriate, Applicants will promptly file a terminal disclaimer over U.S. Patent No. 6,818,063. Please hold this double patenting rejection in abeyance until then.

### **Claim Rejections 35 U.S.C. § 102**

#### **A. Leidner et al. – Claims 1, 2, 4, 5, 7, and 8**

The Examiner has rejected Claims 1, 2, 4, 5, 7, and 8 under 35 U.S.C. § 102(e) as being unpatentable over Leidner (U.S. Patent No. 6,056,993). Applicant respectfully disagrees.

#### **Claims 1, 2, 4, 5**

The Examiner states that Leidner et al. teach “a stent coating system comprising a support fixture or mandrel (12) to support the stent during the application of a coating substance; a processing system (rotary-14 or electrostatic charging-30).” Claim 1 recites the feature: “a

pressure system to modify the coating substance applied to the stent supported by the support fixture.” Leidner et al. do not teach the above-mentioned feature of claim 1. Therefore, claim 1 is patentably allowable over Leidner et al. Claims 2, 4, and 5 depend from Claim 1 and are allowable for at least the same reason. Please remove the anticipation rejection of claims 1, 2, 4, and 5.

### **Claims 7 and 8**

The Examiner states that Leidner et al. teaches “a conduit or wire (72) connected to another side of the coupler.” Claim 7 recites the feature “a conduit, in fluid communication with the support fixture, connected to another side of the coupler.” Leidner et al. do not teach the above-mentioned feature. Therefore, claim 7 is patentably allowable over Leidner et al. Claim 8 depends from Claim 7 and is allowable for at least the same reason. Please remove the anticipation rejection of claims 7 and 8.

### **B. Narayanan et al. – Claims 1, 2, 4, and 5**

The Examiner has rejected Claims 1, 2, 4, and 5 under 35 U.S.C. § 102(e) as being unpatentable over Narayanan et al. et al. (U.S. Patent No. 6,723,373). Applicant respectfully disagrees.

The Examiner states that Narayanan et al. teach “a stent coating system comprising a support fixture or mandrel (10) to support the stent during the application of a coating substance; a processing system (right rotary-20 or left translational-carriage motor).” Claim 1 recites the feature: “a pressure system to modify the coating substance applied to the stent supported by the support fixture.” Narayanan et al. do not teach the above-mentioned feature of claim 1. Therefore, claim 1 is patentably allowable over Naranyanan et al. Claims 2, 4, and 5 depend

from Claim 1 and are allowable for at least the same reason. Please remove the anticipation rejection of claims 1, 2, 4, and 5.

**C. Pacetti – Claims 1 and 3-6**

The Examiner has rejected Claims 1 and 3-6 under 35 U.S.C. § 102(e) as being unpatentable over Pacetti (U.S. Patent No. 6,743,462). Applicant respectfully disagrees.

The Examiner states that

Pacetti teaches a stent coating system comprising a support fixture or madrel (18) to support the stent during the application of a coating substance; a processing system (rotary-20B) to modify the coating substance applied to the stent supported by the support fixture; and a coupling element (204) configured to connect one side of the support fixture to the processing system to allow the support fixture to be rotated with respect to the processing system.

As in indicated in Pacetti, “support assembly 18 can be connected to a first motor assembly 20A for rotation of support assembly 18.” (col. 2, lines 49-51) Pacetti also discloses “a second motor assembly 20B” that “can be additionally provided for translational movement of support assembly 18.” (col. 2, lines 52-53) Therefore, Examiner’s “coupling element (204 ...) corresponds to “first motor assembly 20A” and Examiner’s “rotary-20B” is “second motor assembly 20B” for translational movement.

Claim 1 recites “a coupling element configured to connect one side of the support fixture to the pressure system to allow the support fixture to be rotated with respect to the pressure system.” Pacetti does not teach a coupling element configured to connect one side of a support fixture to a pressure system. First motor assembly 20A does not couple support assembly 18 to a pressure system. Therefore, claim 1 is patentably allowable over Pacetti. Claims 3-6 depend from Claim 1 and are allowable for at least the same reason. Please remove the anticipation rejection of claims 1 and 3-6.

**Claim Rejections 35 U.S.C. § 103**

**Pacetti – Claims 7-9**

The Examiner has rejected Claims 7-9 under 35 U.S.C. § 103 as being unpatentable over Pacetti. Applicant respectfully disagrees.

Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. §103 via 35 U.S.C. §102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention, “were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person” (see MPEP Section 706.02(l)(1)). A statement of an attorney of record can be sufficient evidence to establish common ownership (see MPEP Section 706.02(l)(2)).

As established by the enclosed Statement of Common Ownership, at the time the invention of the current application was made, the inventions of the current application and Pacetti (U.S. Patent No. 6,743,462) were owned by, or subject to an obligation of assignment to, Advanced Cardiovascular Systems, Inc., a California corporation. Since the Applicants have established common ownership, Pacetti is disqualified as prior art and should be removed as a reference. Accordingly, Claims 7-9 are patentably allowable. Applicants respectfully request withdrawal of the rejection and allowance of the claims.

CONCLUSION

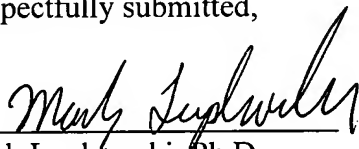
Claims 1-9 are pending in this application. Applicant respectfully submits that rejected Claims 1-9 have been placed in condition for allowance. Applicant respectfully requests the Examiner to enter the foregoing amendments and pass the case to issue.

If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 954-0297.

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Respectfully submitted,

  
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